

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, June 20, 2005
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 4:00 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:04 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper, Sullivan (arrived at 4:15 p.m.), Hardy, Green, Bohr, Cook
Absent: None

(City Council) Study Session #1 Held – Joint Meeting of the Citizens Participation Advisory Board (CPAB) and City Council Regarding Preliminary Recommendations for Community Development Block Grant (CDBG) Allocations for Fiscal Year 2005-2006 (340.70)

Roll Call – CPAB

Present Jerry Lipson, Chair; Diane Campbell; Jackie Canigiani; Angie Dahman (arrived at 4:15 p.m.); Steve Garcia; James Hayden; Patricia Jacobs-Pilette; Michael Johnson
Absent Patrick Burns, Linda Couey, Jim Moreno, Michael Moncrief, Charles Tyler

City Administrator Penny Culbreth-Graft introduced Michael Hennessey, Consultant for the Economic Development Department who commented on the topic and presented CPAB Chairperson, Jerry Lipson.

Chair Lipson spoke regarding CPAB's themes and recent funding history. He announced that the Board concurs with most staff recommendations on funding of programs, and recommends continuing the Curb-Cut program. In response to a Council inquiry regarding funding requests and recommendations, he outlined the CPAB review process. Other Boardmembers commented on the review process, stating that City staff kept the Board well informed about local programs. Chair Lipson thanked the City Council for its support and Department Heads for their efforts.

Councilmembers voiced appreciation for the Board's hard work and made inquiries regarding Federal funding increases, Curb-Cutting/ADA projects, differences between CPAB funding requests and staff recommendations relating to Fire Station facilities and Oak View Community Park lighting, and an update to the Library funding requests. City Administrator Culbreth-Graft

and staff responded to the inquiries, and announced the final CPAB meeting is scheduled for July 7, 2005. Mayor Hardy thanked the Boardmembers for their efforts.

(City Council) Study Session #2 Held – Presentation Made by the Department of Toxic Substances Control (DTSC) Regarding Emergency Fieldwork Activities at the Ascon Landfill Site (Site) (520.10)

City Administrator Penny Culbreth-Graft introduced Eric Engberg, Fire Marshall who presented Thomas Cota, Branch Chief, DTSC and Tamara Zeier, contractor of the Site's Responsible Parties.

Mr. Cota gave a PowerPoint report titled *Emergency Action at the Ascon Landfill Site*, which was included in the agenda packet. The report detailed site conditions, efforts made to remove 3.8 million gallons of water, and conditions requiring emergency action including potential failure of the berm along Hamilton Avenue in the event of high water conditions. Ms. Zeier described specific fieldwork activities necessary and a timeline for completion.

Council inquiries ensued relative to daily volume and monitoring of truck traffic, hours of work at the Site, potential damage to City streets and reimbursement of costs associated with any such damage, communication with the Police and Fire Departments, safety measures including air monitoring, and the timeline for the ultimate remediation plan.

Mayor Hardy thanked Mr. Cota and Ms. Zeier for their presentations.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Coerper to recess to Closed Session on the following items. The motion carried by the consensus of all present, none absent.

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Christine Gheen v. City of Huntington Beach**, Orange County Superior Court Case No. 04CC03159. Subject: **Gheen v. City of Huntington Beach**. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Kiyoshi Sakaeda v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 04CC06082. Subject: **Sakaeda v. City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Chuck Thomas, Acting Director of Administrative Services, Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **PMA, FMA, MSOA, SCLEA and MEO**. Subject: **Labor Relations – Meet & Confer**. (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:00 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

Absent: None

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Hardy asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

Pledge of Allegiance – Led by Mayor Jill Hardy

Invocation – Led by Father Christian from Sts. Simon and Jude

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Ron Santos, Associate Planner dated April 7, 2005 titled *TTM 16682\CUP 04-16 (Roosevelt Condominiums) – Drainage Concerns*.

Communication submitted by Heide Palikan dated June 16, 2005 titled *Conditional Use Permit No. 05-03 (Doo retaining wall)* requesting Council to reject the appeal and approve plans as submitted by the Zoning Administrator and the Planning Commission.

PowerPoint submitted by the Planning Department titled *Doo Retaining Wall 17041 Westport Dr. Appeal of CUP No. 05-03 Applicant: Shirley Doo Appellant: City Council Member Debbie Cook* dated June 20, 2005.

Communications submitted by Shirley Doo of the following communications from Jeffrey E. Thomas, Norma Brandel Gibbs, Adrienne Parks, T. Pajcik, Paul Mitrevski, Theresa Pajcik, Pandora Mitrevski, Mary Hune, Kenneth R. Jackson, Deanne A. Jackson, Jay Sheth, Harsha Sheth, June L. Ascolesi, Harold Quan, Mark J. Meyers, Natalie Meyers, Fran Meyers, Daniel L. Stewart, Ray Ferry, and Gloria Ferry all residents in her neighborhood supporting her request to build a rear retaining wall: various photographs showing examples of retaining walls in Huntington Harbour: and a diagram of her proposed wall with pictures of the plants.

Communication submitted by Steve Stafford dated June 20, 2005 regarding Municipal Code violations.

Communication submitted by Planning Director Howard Zelefsky dated June 20, 2005 titled *Final Tract Map No. 16406 (The Strand at Downtown Huntington Beach – 1 Lot Subdivision)* requesting a continuance to the July 5, 2005 Council meeting.

Communication submitted by Steve Stafford dated June 20, 2005 suggesting another location for a primary entry node.

Communication submitted by Dorothy Ralphs dated June 14, 2005 requesting support and direction for the Edinger Avenue Improvement Project.

The Following Additional Late Communications Were Submitted During the Meeting:

Communications submitted by Rayna Davis during public comments titled *Healing Odyssey Facts and Figures*, and a brochure titled *Healing Odyssey Empowerment 5k Walk/Run In support of cancer survivors Saturday July 23, 2005 Huntington Central Park Huntington Beach, CA*.

Communication submitted by Jan Vandersloot during public comments of a Los Angeles Times editorial dated June 15, 2005 titled *A Shocking Water Noncrisis*.

Presentation - Mayor Jill Hardy called on Community Services Director Jim Engle who introduced Shirley Dettloff from the Friends of Shipley Nature Center. Ms. Dettloff recognized and thanked David Dominguez, Community Services Facilities Manager, Jim Jones, Maintenance Operation Manager, and Bob Hoxsie of Hoxsie Construction for their services on the temporary parking lot at the Shipley Nature Center in Huntington Beach Central Park. Ms. Dettloff announced that the Shipley Nature Center is currently open every Saturday from 9 a.m. to 1 p.m. (160.40)

Presentation - Mayor Jill Hardy called on Community Services Director Jim Engle and Art Center Supervisor Kate Hoffman to introduce Diane Casey and Dr. Gerald Chapman, representatives from the Huntington Beach Art Center Foundation, who presented a check for \$45,000 to the Community Services Department. Kate Hoffman was recognized for her direction of the Art Center. (160.40)

Presentation - Mayor Jill Hardy called on Police Chief Ken Small who introduced the team of officers who have developed the Emergency Vehicle Operations Course (EVOC)/Pursuit Intervention Technique (PIT), which has resulted in a substantial reduction of accidents and injuries involving Huntington Beach Police Officers. A recent news video was shown demonstrating the Pursuit Intervention Technique (PIT) used to apprehend a suspect during a bank robbery in Costa Mesa. Chief Small recognized the following trainers and police garage staff for an outstanding job: Lead Instructors; Sergeant Greg Moore, Sergeant Chris Tatar, Sergeant Steve Bushhousen: Instructors; Sergeant Jim McLean, Sergeant Mike Mello, Sergeant Brian Seitz, Sergeant Rob Warden, Detective Chad Nichols, Motor Officer Eric Himert, Motor Officer Mike Spencer, Motor Officer Dave Wiederin, Officer Ed Clair, Officer Mike E. Kelly, Officer Tyler Hanson, Officer Doug Martin, Officer Tim Martin, Officer Adam Potter: Police Garage; Crew Leader Craig Hunter, Mechanic Craig Miller, Mechanic Frank Davis, Mechanic Jim Lee, Office Assistant Audrey Brooks and Public Works-Fleet Maintenance Rick Mount. (160.40)

Presentation - Mayor Jill Hardy and Mayor Pro Tem Dave Sullivan congratulated the Varsity baseball team from Ocean View High School for their great accomplishment of winning the Division Three CIF Championship. Coach Aaron Kavanaugh and the team were present to be recognized. (160.40)

Mayor's Award - Mayor Jill Hardy called on Information Services Interim Director Behzad Zamanian who presented the Mayor's Award to Eric Hsieh, Senior Analyst, an outstanding individual in the department. (160.40)

Public Comments

Robert Doss, representing one of the property owners on Hess Circle relative to public hearing for collecting delinquent civil fines, requested a six-month extension before assessing the fine.

Rayna Davis representing non profit "Healing Odyssey" a cancer survivor support program, announced a fund raiser 5K walk/run on Saturday, July 23 at Huntington Beach Central Park from 7:30 a.m. to 11:00 a.m. For more information call 949-951-3930 or www.healingodyssey.com.

Dorothy Ralphs, Sea Isle Garden Club Edinger Steering Committee Chairman representing Friends of Huntington Harbour, spoke in favor of the Edinger Avenue beautification project. She urged Council to accept the donation and approve the proposed study to develop improvements and landscaping options for this area.

Thomas McKnew presented a PowerPoint depicting the unsafe and unsightly areas along Edinger Avenue. He urged Council to approve the proposal and requested that the study look into landscaping with low maintenance.

Councilmember Bohr informed the viewers that the Edinger corridor item is agendaized for later in the meeting.

Alan Thaler voiced his opposition to Ordinance 3715 relative to prohibiting animals in portions of park areas, which was adopted at the June 6, 2005 council meeting. He informed Council of how this ordinance adversely impacts the dog owners' ability to walk their dogs to Langenbeck Park. Mr. Thaler stated his opinion that the agreement with Southern California Edison has existed for many years and that the residents should have been notified of the proposed change in use. He asked Council to reconsider and impose a moratorium to discuss an alternative solution.

Councilmember Green informed the speaker that Ordinance 3715 is a result of a Southern California Edison (SCE) contractual requirement.

Mayor Hardy received clarification from City Attorney McGrath regarding the ordinance and the contractual agreement with SCE.

Melody Guiver spoke in opposition to Ordinance 3715. She informed Council that her house borders SCE property and that this ordinance prevents her from carrying her dog from her back yard through SCE property to Langenbeck Park on the other side. Ms. Guiver informed Council that she has collected over 150 signatures from Homeowners in the area in opposition to this action. Ms. Guiver urged Council for a 60-day moratorium so that they can meet again with Edison to discuss possible options.

Councilmember Bohr commented that there should be discussion regarding this issue.

Eileen Murphy, representing Residents for Responsible Desalination, spoke in opposition to proposed Poseidon Desalination Plant citing the failure of the Tampa Bay Plant. She stated her

opinion that the City of Huntington Beach would not be the recipient of any of the water produced by the plant. Ms. Murphy asked Council to consider a no vote when the proposal comes before them.

Larry Porter voiced his opinion of Poseidon Corporation and spoke in opposition to the proposed Poseidon Desalination Plant. He informed Council that the Poseidon Corporation wants to call the proposed Desalination Plant a Water Treatment Plant.

Steve Stafford spoke in favor of the public hearing for collecting delinquent civil fines commenting that in his opinion the fines should be higher. He also stated his opinion that Hamilton and Santa Ana River should be added to item requesting a proposal relative to entry nodes into the city.

John Earl voiced his opposition to the proposed Poseidon desalination plant citing the Tampa Bay plant failure. Mr. Earl informed Council of the differences between a desalination plant and a water treatment plant.

Jan Vandersloot read from an editorial by the Los Angeles Times titled *A Shocking Water Noncrisis*, which he distributed to Council. He stated his opinion that we can manage our water thru water conservation. Mr. Vandersloot informed Council of the Irvine Ranch Water District's proposed tiered water rate plan as a way to conserve water. He asked Council to consider this approach rather than the proposed Poseidon Desalination Plant.

Irwin Kanode spoke regarding the Huntington Beach Youth Shelter and his support of the city's efforts to reopen this much-needed facility.

Carol Kanode supports the city in their efforts to maintain the Huntington Beach Youth Shelter. She stated her opinion that there is a need in our community for the shelter to assist troubled teens.

James Cavener stated that the he would like Council to think about the proposed Poseidon Desalination Plant site area, which is in Southeast Huntington Beach. He informed Council that Southeast Huntington Beach already has the sewer and power plants, tank farm, auto wrecking junk yards, Ascon land fill, flood control channels, etc. and now the possibility of a desalination plant.

Steve Nanko spoke in favor of the public hearing for collecting delinquent civil fines commenting that in his opinion the fines should be increased. He stated his belief that higher fines would make a builder conform to code.

(City Council) 3rd Battalion, 1st Marines (3/1) Committee Liaison Report Given by Councilmember Coerper and Mayor Pro Tem Sullivan (160.10)

Councilmember Coerper reported that he had meet with the family support liaison of the "3/1" Committee. Mayor Pro Tem Sullivan announced that over 50 marines of the "3/1" would be participating in the Fourth of July parade.

(City Council) Councilmember Gil Coerper Introduced Huntington Beach Firefighter/Paramedic Justin Fleming and Sister Shauna Fleming Regarding Sending Letters to the Troops Serving Overseas (160.10)

Councilmember Gil Coerper introduced Huntington Beach Firefighter/Paramedic Justin Fleming and his sixteen-year-old sister, Shauna Fleming, to discuss a project that Shauna has been

working on to send letters to troops serving overseas. Shauna set a goal to send one million letters in one year to show the troops our appreciation for their efforts. She has since met that goal and recently achieved her increased goal of 1.4 million letters – one letter for every person serving in the military now. A video presentation was shown regarding the program.

Firefighter/Paramedic Justin Fleming, Shauna and family had an opportunity to meet with President Bush. He presented to Fire Division Chief/Operations Jacques Pelletier a letter from President Bush commending the Huntington Beach Fire Department.

A presentation was made by the Huntington Beach Firefighters' Association to Shauna Fleming for her "A Million Thanks" program. Shauna announced her website address – amillionthanks.org, and expressed how much these letters are appreciated by the troops. Ms. Fleming presented Council and the Fire Chief with a copy of her book.

Councilmember Coerper announced that his son is currently serving in Iraq and how important these letters are for the morale of our troops.

Mayor Hardy read from a copy of the 1.4 millionth letter received which Ms. Fleming presented to Council.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's April 2005 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report and Summary of Investments for April 2005.

City Treasurer Freidenrich gave a PowerPoint presentation titled *Treasurer's Report*, which was included in the agenda packet.

A motion was made by Green, second Coerper to review and accept the monthly report, *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for April 2005*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

NOES: None

ABSENT: None

(City Council) Public Hearing Held – Approved as Amended Tentative Tract Map No. 16682 – Conditional Use Permit No. 04-16 - Roosevelt Townhomes (16811 Roosevelt Lane (west side, north of Warner Avenue, south of Pearce Drive) – Applicant, Hank Jong, EGL Associates, Inc. - Denied Appeal Filed by Mayor Pro Tem Dave Sullivan (420.40)

Mayor Hardy announced that this was the time noticed for a public hearing to consider appeal of the Planning Commission's approval of Tentative Tract Map No. 16682/Conditional Use Permit No. 04-16 (Roosevelt Lane Condominiums):

Applicant: Hank Jong, EGL Associates, Inc.

Appellant: Dave Sullivan, Mayor Pro Tem

Request: Tentative Tract Map (TTM): To subdivide a 41,054 sq. ft. parcel into one lot for condominium purposes; **Conditional Use Permit (CUP):** To permit (a) construction of 13 three-story condominium dwelling units with attached garages on a 41,054 square foot lot; and (b) patio fencing exceeding 42 inches in height (proposed 43 inches) within the required front yard setback.

Location: 16811 Roosevelt Lane (west side of Roosevelt Lane, north of Warner Avenue, south of Pearce Drive)

Environmental Status: Notice is hereby given that this item is categorically exempt from the provisions of the California Environmental Quality Act.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Associate Planner Ron Santos presented a PowerPoint titled *Roosevelt Lane Townhomes 16811 Roosevelt Lane Tentative Tract Map No. 16682/Conditional Use Permit No. 04-16 Applicant: Hank Jong-EGE Associates Date: June 20, 2005* which was included in the agenda packet.

Council and staff discussed Affordable Housing issue, drainage situation, open spaces and setback area, and the hawks in trees located at the site.

Mayor Hardy declared the public hearing open.

City Clerk Joan L. Flynn restated for the record the following Late Communication, which pertains to this public hearing:

Communication submitted by Ron Santos, Associate Planner dated April 7, 2005 titled *TTM 16682\CUP 04-16 (Roosevelt Condominiums) – Drainage Concerns*.

Art Nerio informed Council that he owns property south of the project and voiced his concerns regarding the height of the block wall.

Jeff Lee spoke representing the property owner informing Council that the owner will work with staff to comply with recommendations. Mr. Lee spoke regarding the affordable housing issue as it applies to this development.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Considerable discussion ensued between Council and staff regarding the affordable housing issue and in-lieu fees.

A motion was made by Green, second Cook to approve recommended action (stated below as amended.)

Council received clarification from staff regarding the project application process and six-foot versus eight-foot block wall along the south property line.

A request to **amend** the motion was agreed to by maker and second of original motion.

The **amended** motion was made by Green, second Cook to approve Tentative Tract Map No. 16682 and Conditional Use Permit No. 04-16 with findings and modified conditions of approval (Attachment No. 1) **as amended - on site would have two median affordable units for sale or one low and one very low affordable rental units offsite, applicant's choice, and eliminate "g" (spa use hours) from Conditions of Approval of TTM 16682.** The motion carried by the following roll call vote.

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP NO. 16682/ CONDITIONAL USE PERMIT NO. 04-16

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The City Council finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15332 – *In-fill Development Projects* of the CEQA Guidelines, which states that projects meeting the conditions described below, are exempt:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 16682:

1. Tentative Tract Map No. 16682 to subdivide a 41,054 square foot parcel into one (1) lot for condominium purposes (13 units) is consistent with the General Plan Land Use Element designation of RM-15 (Residential Medium Density) on the subject property and applicable provisions of the zoning code. The RM designation provides for residential development at a maximum density of 15 units per acre. The project proposes residential development at a density of 13.76 units per acre. In addition the project complies with all applicable development standards of the Huntington Beach Zoning and Subdivision Ordinance, including minimum lot size and width, minimum on-site parking, landscaping, setbacks and open space, and maximum building heights.

2. The site is physically suitable for the type and density of development. The project site is regular in shape, has no unique topographical or other constraints to development and can accommodate the proposed development in accordance with all applicable codes and development standards.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project consists of residential development on a previously developed lot in an urbanized area. The project site does not serve as habitat for fish or wildlife, is not identified as a hazardous waste site and contains no known environmental hazards. The project will comply with all Code requirements applicable to the subject site.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No easements acquired by the public at large exist within the proposed subdivision and all necessary easements will be provided pursuant to conditions of approval.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-16:

1. Conditional Use Permit No. 04-16 to permit (a) construction of 13 three-story condominium dwelling units with attached garages on a 41,054 square foot lot within the RM (Residential Medium Density) Zone; and (b) patio fencing exceeding 42 inches in height (43 inches) within the required front yard setback, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The City and County water, sewer and storm drain systems can adequately service the proposed development without significantly impacting the overall service or system. The project will not have a significant adverse impact on traffic volumes, school enrollments or recreational resources. Adequate on-site parking is provided (in conformance with code requirements) and no significant noise, air pollution or other impacts will be generated on-site. The project will provide 11 market-rate units and two affordable housing units, thus serving to maintain a proper balance of housing opportunities in the City. The proposed project features quality architectural design, site layout and building materials that will ensure no detrimental impact to the value of property and improvements in the neighborhood. The proposed 43-inch tall patio fencing will have no detrimental impacts since the one-inch increase in height over the basic requirement is minimal, the fencing will extend across less than 35 percent of the lot width and the top 12-inches (approximately) of the fence is designed as view fencing.
2. The conditional use permit will be compatible with surrounding uses because the proposed multi-family residential use will be established on a site designated by the Zoning Map and General Plan Land Use Map for the type and density of development proposed. In addition, the project design is consistent with and complementary to existing multi-family and single-family residential uses in the vicinity, including the project site grade elevation, building scale, architecture, massing, building colors and materials.
3. The proposed 13 unit condominium project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including maximum density and building height; and minimum building setbacks, landscaping, open space and on-site parking requirements. The HBZSO authorizes fences exceeding 42 inches in height with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RM-15 (Residential Medium Density – 15

units/acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.5: Provide for the development of housing for senior citizens, the physically and mentally challenged, and very low, low and moderate-income families.

Policy LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volumes.
- b. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and /or common areas.
- c. Site and design parking areas and facilities that are integrated with but do not dominate the architectural character of the structure.

The proposed project is consistent with the goal to achieve development of a diverse range of housing types by providing for the development of 13 housing units consistent with the design and density standard established for the corresponding zoning designation. Moreover, the project provides for a mixture of two and three bedroom dwelling units, and unit sizes ranging between 1,465 sq. ft. and 1,848 square-feet. In addition, two units would be designated as affordable housing.

The project is designed as a townhouse-style development whereby each unit has well defined, ground-floor entries, as well as distinct massing elements and other design features which serve to define the individual units within each building. Moreover, variations in the facades and rooflines of each of the four buildings are incorporated while maintaining consistency with the overall design theme. The project also includes an interior landscaped courtyard as well as a separate common area amenity (spa). All 13 units are designed with the garages at the rear of the dwellings, thus minimizing the impact of the parking areas on the architectural character of the building. Open parking spaces are separated in groupings of three and four parking stalls with adjacent landscape planters such the parking area does not appear as a singular dominant feature of the site.

Policy LU 9.2.1: require that all new residential development within existing neighborhoods be compatible with existing structures, including the use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development.

The project provides for a multitude of rooflines, building offsets, massing elements and upper story setbacks that serve to maintain compatibility with surrounding single and multi-family residential development. All four units proposed along the street frontage are oriented toward the street, consistent with existing single-family development located directly east of the site, across Roosevelt Lane. Upper story setbacks incorporated into the design provide for an appropriate transition between the two-story single-family dwellings (30 ft. height limit) existing to the west and the proposed dwellings.

B. Housing Element

Objective HE 1.1.5: Encourage compatible design to minimize the impact of intensified reuse of residential land on existing residential development.

Objective HE 5.1.3: Encourage the provision of adequate numbers of housing units to meet the needs of families of all sizes..

The project incorporates several design features that serve to maintain compatibility with existing residential development surrounding the project site. In addition, the project proposes development at a density that is practical for the site and just under the maximum density allowed, thus providing adequate numbers of housing units, in accordance with the General Plan Land Use Plan and Housing Element policies.

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16682:

1. The tentative map tract map received and dated December 16, 2004 shall be the conditionally approved layout with the following modifications:
 - a. A 26-foot wide public street easement dedication shall be required and depicted westerly from the existing centerline along the entire Roosevelt Lane frontage terminating at the southerly end with a 46-foot radius arc dedication for public street right-of-way purposes.
 - b. A 2-foot wide public utility easement (PUE) dedication shall be required and depicted along the westerly side of Roosevelt Lane.
 - c. A 20-foot half roadway width westerly of the existing centerline and full parkway width (6-foot) sidewalk shall be required and depicted along the Roosevelt Lane frontage.
 - d. A separate water meter shall serve each dwelling unit.
 - e. The right-of-way line along the Roosevelt Lane frontage of the adjacent property to the north shall be correctly depicted.
 - f. The applicant shall establish a homeowner's association for the project.
 - g. State mandated school impact fees shall be paid to all applicable school districts.
 - h. The final map shall be revised for consistency with the site plan received and dated June 1, 2005.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-16:

1. The site plan, floor plans, and elevations received and dated June 1, 2005, shall be the conceptually approved design with the following modifications:
 - a. The height of patio fencing proposed within the front yard setback shall be 43 inches. Any request to increase the height shall be subject to approval of an entitlement plan amendment. No fencing or walls other than that depicted on the approved plans shall be permitted within the required front yard setback.
 - b. The site plans shall be revised to depict a new six-foot tall block along the north property line, consistent with the tentative tract map.

- c. The required private patios for all units shall be enclosed with plaster finish walls (as depicted by the detail drawing on Sheet A-4.7 of the conceptually approved plans) in lieu of hedges.
2. Two affordable housing units shall be provided. The affordable units shall be median income on-site or one low-income and one very low-income off-site.
3. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the City Council's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the City Council may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

(City Council) Public Hearing Held - Approved Conditional Use Permit No. 05-03 (Doo Retaining Wall located 17041 Westport Drive, west of Bedford Lane) – Applicant, Shirley Doo - Denied Appeal Filed by Councilmember Debbie Cook (420.40)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the appeal of the Planning Commission's approval of Conditional Use Permit 05-03 (Doo Retaining Wall):

Applicant: Shirley Doo

Appellant: City Council Member Debbie Cook

Request: To permit the construction of a combination retaining wall/wood fence within the rear yard setback of a through lot. The proposed retaining wall measures five (5) feet in height and will be topped with a wood fence measuring six (6) feet in height for a maximum height of eleven (11) feet. The combination retaining wall/wood fence is proposed with a meandering setback ranging from three (3) feet to five (5) feet eight (8) inches measured from the rear property line. Location: 17041 Westport Drive (south side of Westport Drive, west of Bedford Lane)

Environmental Status: Notice is hereby given that this item is categorically exempt from the provisions of the California Environmental Quality Act.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Mayor Pro Tem Sullivan announced that he would abstain from this item due to potential conflict of interest, and left the room.

Associate Planner Paul DaVeiga gave PowerPoint presentation titled *Doo Retaining Wall 17041 Westport Dr. Appeal of CUP No. 05-03 Applicant: Shirley Doo Appellant: City Council Member Debbie Cook* which was submitted as a Late Communication.

Mayor Hardy declared the public hearing open.

City Clerk Joan L. Flynn restated for the record the following Late Communication, which pertains to this public hearing:

Communication submitted by Heide Palikan dated June 16, 2005 titled *Conditional Use Permit No. 05-03 (Doo retaining wall)* requesting Council to reject the appeal and approve plans as submitted by the Zoning Administrator and the Planning Commission.

PowerPoint submitted by the Planning Department titled *Doo Retaining Wall 17041 Westport Dr. Appeal of CUP No. 05-03 Applicant: Shirley Doo Appellant: City Council Member Debbie Cook* dated June 20, 2005.

Communications submitted by Shirley Doo of the following communications from Jeffrey E. Thomas, Norma Brandel Gibbs, Adrienne Parks, T. Pajcik, Paul Mitrevski, Theresa Pajcik, Pandora Mitrevski, Mary Hune, Kenneth R. Jackson, Deanne A. Jackson, Jay Sheth, Harsha Sheth, June L. Ascolesi, Harold Quan, Mark J. Meyers, Natalie Meyers, Fran Meyers, Daniel L. Stewart, Ray Ferry, and Gloria Ferry all residents in her neighborhood supporting her request to build a rear retaining wall: various photographs showing examples of retaining walls in Huntington Harbour: and a diagram of her proposed wall with pictures of the plants.

(Sixteen communications regarding this item are included in the agenda packet submitted by Everett A. Winkler, Dora Kaikainahaole, John Kaikainahaole, Jackie Satterthwaite, Jack Satterthwaite, Gail L. Armstrong, Randy T. Fuhrman, Darrach G. Taylor, Carrie L. Crisell, Carole M. Garrett, Manfred and Karin Lengsfeld, Bryan Taylor, George N. Garrett, Richard Batistelli President of Huntington Harbour Property Owners, Al Swift, and Mike Palikan.)

Richard Batistelli, President of the Huntington Harbour Property Owners Association (HHPOA), urged Council to deny the Conditional Use Permit. He stated his opinion that the HHPOA CC&R's are enforceable and that the city should not deviate from current zoning laws by allowing this variance.

David Lake informed Council of his belief that Ms. Doo, the applicant, has worked with staff to achieve a design that will include irrigation, an artistic wall, and landscaping. Mr. Lake spoke in support of the Conditional Use Permit.

Jackie Satterthwaite spoke in support of the proposed retaining wall citing property rights, privacy and erosion problem would be resolved if the wall were built and that it would be an enhancement to the neighborhood.

Carole Garrett urged Council to deny the request. She stated her opinion that the Council should uphold the city's existing ordinances and that all property owners should be treated equally.

Mike Palikan supports the project. He informed Council that in his opinion excessive staff hours should not have to be devoted to one wall. Mr. Palikan suggested that the city zoning codes should be changed to accommodate projects such as this.

Donald Wolter voiced his opinion that he is conceptually against walls. He informed Council that high and unattractive walls already exist. Mr. Wolter said that he is not entirely against this request.

Laura Maben read from a letter from her mother who is a resident of Huntington Harbour. She asked Council to vote for the property owners so that they may exercise their rights without time consuming and expensive procedures.

Adrienne Parks inquired from staff about her communication that she emailed and why it was not included in the packet. Ms. Parks spoke in support of the applicant's well-designed wall. She commented about the enormous amount of council and staff time taken regarding this issue. Ms. Parks referred to her communication, which was included as part of Shirley Doo's Late Communication, citing the Davis-Sterling Act "Dispute Resolution Procedure" and how it relates to this situation.

Shirley Doo, applicant, refuted an earlier speakers claim relative to the enforceability of the CC&R's applicable to her neighborhood and that they do not prohibit her planned retaining wall. She referred to her Late Communication reviewing her experiences with the Huntington Harbour Homeowners Association and their Architectural Review Committee. Ms. Doo provided examples of current existing walls and a diagram including landscaping plants that she plans to use on her wall. She asked Council to approve her Conditional Use Permit.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Coerper, second Green to approve Conditional Use Permit No. 05-03 with findings and conditions of approval (Attachment No. 1).

Considerable discussion ensued regarding individual's property rights, concerns of structural integrity of the wall, existing walls and slopes, and the CUP process relative to this type of project.

Motion restated: A motion was made by Coerper, second Green to approve Conditional Use Permit No. 05-03 with findings and conditions of approval (Attachment No. 1). The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Green, Bohr

NOES: Cook

ABSENT: None

ABSTAIN: Sullivan

**FINDINGS AND CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 05-03**

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the establishment and maintenance of a combination retaining wall/wood fence involves negligible or no expansion of use beyond that previously existing, therefore no further environmental review is necessary.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-03:

1. Conditional Use Permit No. 05-03 for the establishment and maintenance of a combination retaining wall/wood fence with a maximum height of 11 feet at a staggered setback of three feet to five feet eight inches in lieu of the maximum height of 42 inches allowed within the rear 15-foot setback of a through lot will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The wall is proposed with quality materials including split face concrete block and a decorative wood fence design which will be aesthetically appealing when viewed from the street. Several of the through lots along Westport Drive have been developed with similar walls.
2. The conditional use permit will be compatible with surrounding uses that consist of properties developed with similar walls within the rear yard setback. The adjacent property to the west consists of a 10-foot high combination retaining/block wall at the rear property line. The subject wall will have setbacks that vary between 3 feet to five feet eight inches based on the staggered wall design. Landscaping is proposed within the setback, which will soften the appearance of the wall when viewed from Roundhill Drive.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The HBZSO allows for a deviation to the maximum height requirements within required setbacks with the approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Low Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Avoid building materials, colors, and construction elements that visually dominate their setting and contrast significantly with the character of the neighborhood (LU 9.1.2.b).
 - b. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood. (LU 9.2.1.e)

The project will be developed with a landscape setback ranging from three feet to five feet eight inches, which will improve the aesthetics along the frontage of the property and soften the appearance of the proposed wall. In addition the use of split-face block combined with a decorative wood fence will break up the massing of the proposed wall.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-03:

1. The site plan, floor plans, and elevations received and dated January 25, 2005 shall be the conceptually approved design.
2. Prior to issuance of block wall permits a planting and irrigation plan shall be reviewed and approved by the departments of Planning and Public Works.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

(City Council) Administrative Public Hearing Held - Adopted Resolution Number 2005-41 Approving Certification of Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations (340.10)

Mayor Hardy announced that this was the time noticed for a public hearing to consider an Administrative Public Hearing to consider the adoption of proposed Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations."

An administrative hearing is required by the Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at an administrative hearing. All other interested parties may speak at regular public comment at beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

The public hearing is held pursuant to California Government Code Section 38773.5 and Huntington Beach Municipal Code 1.18.150.

City Attorney Jennifer McGrath presented an oral report.

Councilmember Hansen inquired about the resident who was referred to earlier during public comments to which City Attorney McGrath responded.

Per Council inquires City Attorney McGrath explained the steps taken prior to this action beginning with the initial code enforcement violation, dissimilarity of fines, and collection process.

Mayor Hardy declared the administrative public hearing open.

City Clerk Joan L. Flynn restated for the record the following Late Communication, which pertains to this public hearing:

Communication submitted by Steve Stafford dated June 20, 2005 regarding Municipal Code violations.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the administrative public hearing closed.

A motion was made by Hansen, second Coerper to of adopt **Resolution Number 2005-41** - "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*" The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Cook
NOES: Bohr
ABSENT: None

Consent Calendar – Item Continued

Mayor Hardy announced that staff requested a **continuance** of the Consent Calendar item regarding Final Tract Map Number 16406 - The Strand at Downtown Huntington Beach 1 Lot Subdivision (Located at blocks 104 and 105 Bounded by Pacific Coast Highway, Sixth Street, Walnut Avenue and the alley between Fifth Street and Main Street) – Subdivision Agreement between the City and CIM/Huntington, LLC - per Late Communication to July 5, 2005. (420.60)

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Updated Methodology and the 2005 Update of the Revised Citywide Traffic Signal Priority List (Presented to and Approved by the Public Works Commission) (580.10) –

(City Council) Talbert Lake Diversion Project Pollution Control Grant Program Agreement with the State Water Quality Control Board Regarding Urban Runoff from the East Garden Grove Wintersburg Channel (EGGWC) (600.20) –

(City Council) Construction Contract to Major League Construction Services for the Central Park Sports Complex Batting Cage Completion Project – Transfer of Funds from Purchase Order 7885 to Major League Construction Services (600.10)

Consent Calendar – Items Approved

On motion by Green, second Coerper Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular meetings of May 2, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved Project Specifications, Accepted Bid and Awarded Construction Contract to Ruiz Engineering for the Asphalt Overlay of Various Residential Streets; MSC

426 (600.90) – **1.** Approved the project specifications; and **2.** Accepted the lowest responsible bid submitted by Ruiz Engineering in the amount of \$1,549,837.80 for MSC 426; and **3.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$1,735,500 are available from Gas Tax Funds FY 2004/05 Account No. 20785417.64620. The engineer's estimate for this project was \$1,690,000.

(City Council) Approved The Community Services Department's Instructional Recreational Class Budget Amendment to Pay Instructors for Additional Classes (320.10) – Authorized the appropriation of \$303,000 from the General Fund Unappropriated, Unencumbered Fund Balance into Instructional Classes-Other Contract Services Account #10045406.69450 to pay recreation class instructors. Submitted by the Community Services Director. Funding Source: General Fund Unappropriated, Unencumbered Fund Balance in the amount of \$303,000. Expenditures will be offset by \$433,000 in projected new revenue generated by instructional classes.

(City Council) Approved Balancing of Police Department's Federal Narcotics Forfeiture Fund (320.10) – **1.** Approved the transfer of \$119,000 from the State Narcotics Forfeiture Fund, Number 214 to the Federal Narcotics Forfeiture Fund, Number 212; and **2.** Approved the transfer of \$92,761 from the existing Police Department 2004/2005, General Fund budget, account number 10070201 to the Federal Narcotics Forfeiture Fund, Number 212. Submitted by the Police Chief. Funding Source: The total negative balance of the Federal Narcotics Forfeiture Fund, Number 212, is \$211,761. The account will be balanced as follows: \$119,000 from fund 214, State Narcotics Forfeiture Fund Balance; \$92,761 from the existing Police Department, 2005/2005, General Fund budget, account number 10070201. These funds are available as a result of salary savings.

(City Council) Approved 2005/2006 Proposed Budget – West Orange County Water Board (WOCWB) (320.80) – Approved the Fiscal Year 2005/2006 proposed West Orange County Water Board Budget in the amount of \$229,600. Submitted by the Acting Public Works Director (as recommended by Council Liaisons Mayor Jill Hardy and Mayor Pro Tem Dave Sullivan). Funding Source: No funding needed. The proposed 2005-2006 budget will be funded 100% by WOCWB reserves.

(City Council) Approved Project Specifications – Accepted Bid and Awarded Construction Contract to Nobest, Inc. for the Construction of Curb Ramps at Various Locations and Construction of Curb and Gutter on Santa Anita Lane and Cleveland Avenue; MSC 427 (600.90) – **1.** Approved the project specifications; and **2.** Accepted the lowest responsible bid submitted by Nobest, Inc. in the amount of \$382,002 for MSC 427; and **3.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Acting Public Works Director and Acting Economic Development Director. Funding Source: Funds in the total amount of \$409,467 have been designated for this purpose from Community Development Block Grant (CDBG) FY 2004/05 Citywide ADA Ramps, Account No. 86790002.82300 (\$182,112) and FY 2004/05 Curb/Sidewalk Construction 86790001.82300 (\$227,355). Funding of up to \$10,000 from General Fund, Street Maintenance Account No. 10085410.64620 is available for contingency and supplemental expenses.

(City Council) Approved the Release of the Guarantee and Warranty Bond for Tract No. 16180 (The Tides) Located East of Goldenwest Street and South of Garfield Avenue (Holly-Seacliff Specific Plan – Developer Shea Vickers Development, LLC) (420.60) – **1.**

Released Guarantee and Warranty Bond No. 00-255-268-A, the security furnished for guarantee and warranty of improvements; and **2.** Instructed the City Clerk to notify the developer, Shea Vickers Development, LLC, of this action, and the City Treasurer to notify the Surety, American Home Assurance Company, of this action. Submitted by the Acting Public Works Director. Funding Source: Not applicable.

(City Council) Approved Agreement Between the City of Huntington Beach and the Franchise Tax Board (600.20) - 1. Approved and authorized the Mayor and City Clerk to execute *Standard Agreement Number C0424161* between the City of Huntington Beach and the Franchise Tax Board; and **2.** Approved an appropriation and authorized an expenditure of an amount not to exceed \$4,505.00 from account number 10025301.69505. Submitted by the City Treasurer. Funding Source: Appropriate \$4,505.00. Cost to be offset by new revenues.

(City Council) Approved Renewal of Agreement with the City of Fountain Valley for Emergency Preparedness and Disaster Planning Services (600.10) - Approved the *Professional Services Contract Between the City of Huntington Beach and the City of Fountain Valley for the Services of the Huntington Beach Fire Department Emergency Services Coordinator* and authorized the Mayor and City Clerk to execute it. Submitted by the Fire Chief. Funding Source: None required.

(City Council) Adopted Resolution No. 2005-42 Naming Patti Williams, Acting Risk Manager, as the City's Designated Representative to the Big Independent Cities Excess Pool Joint Powers Authority (BICEP) (110.20) Adopted Resolution No. 2005-42 – “A Resolution of the City Council of the City of Huntington Beach Naming Patti Williams, Acting Risk Manager, as the City's Director to the Big Independent Cities Excess Pool Joint Powers Authority” instead of and in place of retired Risk Manager, Karen Foster. Submitted by the Acting Administrative Services Director. Funding Source: Not Applicable.

(City Council) Appropriated and Authorized Expenditure of Funds and Approved Agreement with Austin-Foust Associates, Inc. for Update of the City's Circulation Element of the General Plan (600.10) - 1. Appropriated funds in the amount of \$300,000 from the Traffic Impact Fee fund to the project account; and **2.** Authorized the expenditure of \$550,000 for professional services from Business Unit 20685201.29365; and **3.** Approved and authorized the Mayor and City Clerk to execute the *Professional Services Contract Between the City of Huntington Beach and Austin-Foust Associates, Inc for Traffic Model and Circulation Element Services*. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$250,000 have been appropriated from the Traffic Impact Fee fund, Professional Services 20685201.69365. An additional \$300,000 allocation is being requested.

(City Council) Adopted Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority and Agreement for Sunset Beach (600.25) – Approved and authorized the Mayor and City Clerk to execute the *Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services Between the Orange County Fire Authority and the City of Huntington Beach* and approved the *Agreement* for advanced life support emergency medical services to the Sunset Beach area. Submitted by the Fire Chief. Funding Source: None required. (The Automatic Aid agreement includes an MOU [Memoranda of Understanding] between the Orange County Fire Authority and the City of Huntington Beach.)

(City Council) Approved Appointment of Carrie Thomas and Reappointments of Dr. David R. Bloom, Buddy Roberts, and Barbara Steel to the Community Services Commission for a Term Effective July 1, 2005 Through June 30, 2009 (110.20) – 1. Appointed **Carrie Thomas** as the Ocean View School District representative to the Community Services Commission for a four-year term; and **2.** Reappointed the following members-at-large to the Community Services Commission; **Dr. David R. Bloom, Buddy Roberts, and Barbara Steel.** The term for these appointments will be from July 1, 2005 through June 30, 2009. Submitted by the Community Services Director and as recommended by Council Liaisons Mayor Pro Tem Dave Sullivan and Councilmember Don Hansen. Funding Source: Not applicable.

(City Council) Approved Updated Methodology and the 2005 Update of the Revised Citywide Traffic Signal Priority List (Presented to and Approved by the Public Works Commission) (580.10)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue:** Each year the City of Huntington Beach reviews a list of candidate locations for the installation of a new traffic signal and prioritizes those locations for consideration of funding under the Capital Improvement Program. The methodology used to identify these locations has been updated to address a change in the State of California and national standards. Funding Source: None required for the recommended action. Traffic signals are typically funded through a variety of sources including grants, Air Quality funds, and Traffic Impact Fees. The Traffic Signal Priority List is used in developing the City's annual Capital Improvement Program (CIP).

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar requesting bid period and timeline for construction. City Administrator Culbreth-Graft responded.

Acting Director of Public Works Paul Emery gave clarification regarding priority listing and process timeliness.

Public Works Transportation Manager Bob Stachelski concluded with additional information relative to the priority list and future grant opportunities.

A motion was made by Coerper, second Green to **1.** Approve the updated methodology presented for developing the Traffic Signal Priority List; and **2.** Approve the revised Traffic Signal Priority List and ranking. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

NOES: None

ABSENT: None

(City Council) Authorized the Talbert Lake Diversion Project Pollution Control Grant Program Agreement with the State Water Quality Control Board Regarding Urban Runoff from the East Garden Grove Wintersburg Channel (EGGWC) (600.20)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue:** The City of Huntington Beach applied for and received a \$2,326,000 competitive Proposition 13 Grant (Grant) from the State of California (State) for a project that will divert and treat urban runoff into Talbert Lake. A resolution

approving the agreement and authorizing a City representative to sign related documents was approved by the City Council. Since that time, the agreement has changed and additional City Council direction is necessary to execute the agreement. Funding Source: The State of California will award \$2,326,000 for the Talbert Lake Diversion Project. A 20% grant match amount of \$465,200 is required and is being pursued from the Southern California Wetlands Recovery Project (SCWRP) and other available funding sources. Funds will not be expended until sufficient matching funds are identified.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar highlighting that this is an outstanding project. Acting Public Works Director Emery informed Council that staff is pursuing other grant funding opportunities.

A motion was made by Sullivan, second Green to authorize City staff to enter into the *Proposition 13 Nonpoint Source Pollution Control Grant Program Grant Agreement Between the State Water Resources Control Board and City of Huntington Beach*. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

NOES: None

ABSENT: None

(City Council) Accepted Bid and Awarded Construction Contract to Major League Construction Services for the Central Park Sports Complex Batting Cage Completion Project – Authorize Transfer of Funds from Purchase Order 7885 to Major League Construction Services (600.10)

The City Council considered a communication from the Community Services Director, Acting Public Works Director and Finance Director transmitting the following **Statement of Issue**: A bid has been received for the completion of the batting cage within the Central Park Sports Complex. Staff recommends award to Major League Construction Services, as the responsive and responsible bidder. Funding Source: Construction funding is available in the Sports Complex Phase II Project escrow account in the amount of \$216,000; and \$40,000 in P. O. #7885, which was originally opened for Community Parks Foundation.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar requesting further information on future developments to complete the Sports Complex facilities.

Community Services Director Jim Engle responded to Council inquiries relative to the needs of the Central Park Sports Complex. Mr. Engle informed Council they would receive a report regarding the operations of the Sports Complex.

A motion was made by Bohr, second Green to: **1.** Accept the bid submitted by Major League Construction Services in the amount of \$202,855 for completion of the Central Park Sports Complex batting cage; and, authorize payment from the Union Bank escrow account to Major League Construction Services; and **2.** Authorize the Mayor and City Clerk to execute a construction contract with Major League Construction Services in substantially the same format as the attached sample contract; and **3.** Authorize transfer of Purchase Order #7885 in the amount of \$40,000 from Community Parks Foundation to pay any Public Works contingencies and construction management services. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

NOES: None

ABSENT: None

(City Council) Approved City Council Position on Legislation Pending before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)

Communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue**: Approve a City Council position on legislation pending before the Federal, State or Regional Governments as recommend by the City Council Intergovernmental Relations Committee, and authorize the Mayor to communicate the City of Huntington Beach's position to the elected members of the State or Federal Legislators, Governmental Task Force, or a regional body or to be put on a ballot for approval by the voters.

A motion was made by Coerper, second Bohr to:

SUPPORT [AB 463](#) (Tran) Local Agencies: Security Information – As Introduced;

and

OPPOSE [AB 1295](#) (Bermudez) Fireworks Sales — As Amended 04/28/05;

and

SUPPORT IN CONCEPT a California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act such as proposed in [AB 1269](#) and [SB 153](#) subject to inclusion of funding specifically for acquisition of closed school sites by local jurisdictions for the purpose of maintaining the site for open space and recreational uses;

and

AUTHORIZE LETTERS IN SUPPORT OF the Governor's May Budget Revisions Reinstating Prop 42 Funds.

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

NOES: None

ABSENT: None

Councilmember Green pulled the following three items and received clarification from a representative from the SCAQMD relative to proposed bills.

A motion was made by Green, second Coerper to:

SUPPORT [AB 1222](#) (Jones) Air Pollution – Pollution Control: High Polluting Locomotives Program – As Introduced. AMENDED ON 5/27/05;

and

SUPPORT [AB 888](#) (De La Torre) Air Quality – South Coast Air Quality Management District (SCAQMD) – Rail Yards – As Introduced AMENDED ON 5/27/05;

and

SUPPORT [SB 459](#) (Romero) SCAQMD Emissions – Locomotive – As Amended 04/12/05;

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

Councilmember Green pulled SB956 citing that the bill has no designation as to where the money will be distributed.

A motion was made by Coerper, second Bohr to:

SUPPORT [SB 956](#) (Simitan) Coast & Ocean Stewardship Act – As Amended 04/25/05 – **in Concept** subject to amending the bill to include more specifics as to how the revenue generated by the bill will be allocated;

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Bohr, Cook
NOES: Green
ABSENT: None

(City Council) Adopted Ordinance No. 3716 Amending Huntington Beach Municipal Code Chapter 5.24 Relating to Insurance Records for Massage Establishments (570.10)

After the City Clerk read by title, a motion was made by Coerper, second Bohr to adopt **Ordinance Number 3716** - *“An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Insurance Records for Massage Establishments.”* (Approved for introduction June 6, 2005.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Adopted Ordinance No. 3717 Amending Huntington Beach Municipal Code Chapter 10.60 Relating to Parking (560.35)

After the City Clerk read by title, a motion was made by Sullivan, second Coerper to adopt **Ordinance Number 3717** - *“An Ordinance of the City of Huntington Beach Amending Chapter 10.60 of the Huntington Beach Municipal Code Relating to Parking.”* (Approved for introduction June 6, 2005.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Approved for Introduction Ordinance No. 3718 Amending Chapters 2.08, 2.16, 2.72, 2.76, 2.101, 2.107, and 3.02 of the Huntington Beach Municipal Code to Update the language and Terms Used therein and Modify References to the Department of Administrative Services (700.10)

A motion was made by Cook, second Sullivan to approve for introduction **Ordinance Number 3718** - *"An Ordinance of the City of Huntington Beach Amending Chapters 2.08, 2.16, 2.72, 2.76, 2.101, 2.107 and 3.02 of the Huntington Beach Municipal Code to Update the Language and Terms Used Therein and Modify References to the Department of Administrative Services."* The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
 NOES: None
 ABSENT: None

(City Council) Approved the Design Review Board's Suggestion for a Proposal to Hire a Consultant to Conduct a Design Competition for the Design of the Primary Entry Nodes at the Eight Locations Identified in the City's General Plan as Amended to Include Three Additional Entry Nodes (110.10)

The City Council considered a communication from Councilmember Keith Bohr transmitting the following **Statement of Issue**: The city has submitted a proposal to CalTrans to incorporate a sign identifying "Huntington Beach" on the pedestrian overpass in front of the Hyatt Regency Hotel. If approved, the sign will strengthen the city's identification along Pacific Coast Highway.

In addition, on April 28, 2005, the Design Review Board (DRB) discussed improving the city's image at the eight primary entry nodes identified in the city's General Plan. The nodes are located at the following intersections:

- | | |
|--|--|
| <input type="checkbox"/> Bolsa Chica St./ Rancho Rd. | <input type="checkbox"/> Brookhurst St./ Garfield Ave. |
| <input type="checkbox"/> Goldenwest St./ Bolsa Ave. | <input type="checkbox"/> Adams Ave./ Santa Ana River |
| <input type="checkbox"/> Beach Blvd./ Edinger Ave. | <input type="checkbox"/> Pacific Coast Hwy. /Santa Ana River |
| <input type="checkbox"/> Magnolia St./ Warner Ave. | <input type="checkbox"/> Pacific Coast Hwy. / Warner Ave. |

The Urban Design Element in the General Plan identifies the existing condition of entry nodes as being "weakly defined points of entry." The DRB concurred with the General Plan and commented that the entry nodes into the city do not provide clear distinction of the city's boundaries as one enters the city from neighboring jurisdictions. The DRB discussed the option of conducting a design competition to design the enhancement concepts for the eight primary entry nodes. The competition could involve colleges and universities with programs in the disciplines of Urban Design, Architecture, Landscape Architecture, and Graphic Design. A suggestion was made by the DRB to hire a consultant to develop and direct the design competition and assemble a panel of judges to rate the submissions.

Councilmember Bohr reported.

A motion was made by Bohr, second Coerper to prepare a Request for Proposals to hire a consultant to conduct a design competition involving colleges and universities for the design of primary entry nodes at the eight locations identified in the city's General Plan.

Acting Director of Public Works Emery responded to Councilmember Green's concern regarding Cal Trans permission for signs along Pacific Coast Highway and Beach Boulevard and projected timeline for Cal Trans response.

Councilmember Cook voiced her concerns that we follow a process when moving forward on this item.

Mayor Pro Tem Sullivan suggested to the maker of the motion to include Hamilton at which time Councilmember Bohr included Springdale and Edwards as additional entry nodes. The maker of the motion and second approved.

The restated and **amended** motion to prepare a Request for Proposals to hire a consultant to conduct a design competition involving colleges and universities for the design of primary entry nodes at the eight locations identified in the city's General Plan **as amended to include additional sites of Hamilton at Santa Ana River, Springdale Street at point of entry into the city, and Edwards Avenue at point of entry into the city.** The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

NOES: None

ABSENT: None

(City Council) Appropriated Funds Not to Exceed 50 Per Cent up to \$5,000.00 for the Preparation of a Reconnaissance Study Regarding Development and Landscaping Options on the Shoulder Area Along the North Side of Edinger Avenue between Saybrook Lane and Countess Drive - Accepted \$4,000 from the Sea Isle Garden Club to Offset Half the Cost (110.10)

The City Council considered a communication from Councilmember Keith Bohr transmitting the following **Statement of Issue:** Over the past several years, various residents and groups from north Huntington Harbour neighborhoods have approached city staff and Council Members with requests to improve the shoulder area along the north side of Edinger Avenue between Saybrook Lane and Countess Drive. The area in question falls within the city's right-of-way and measures approximately 30 feet wide by 4,000 feet long and is predominately unimproved with some areas of ground cover. A county flood control channel and chain link fence bound the north side of the area while Edinger Avenue abuts to the south. Due to the absence of a curb or other form of vehicle barrier along the north edge of Edinger Avenue, this unimproved dirt shoulder area has become rutted from vehicles parking, turning, and--more importantly--off-roading.

The Sea Isle Garden Club is requesting that the City study this area to develop improvement and landscaping options. This study would include the review of improvements in relation to traffic safety as well as aesthetic enhancement.

City Staff estimates that a reconnaissance study could be completed for approximately \$8,000. The Garden Club has offered to pay for half of the study, \$4,000.

Councilmember Bohr reported.

A motion was made by Bohr, second Coerper to:

1. Appropriate \$8,000 in the current fiscal year for the preparation of a reconnaissance study.

and

2. Accept \$4,000 from the Sea Isle Garden Club to offset half of the cost.

Councilmember Cook informed Council of her opinion that the city should establish a policy regarding the beautification and landscape process. She presented a slide show showing areas within the city where residents have asked for and are still waiting for improvements in their neighborhoods. Councilmember Cook encouraged citizens to raise funds for the improvements in their communities.

Councilmember Hansen agreed that the city should establish a policy for the Beautification and Landscape Committee to work with. Citizens realize that the city is limited in resources and they are coming to the city with solutions.

Council discussion ensued regarding community involvement, budget process to possibly include money for improvements, establishment of a policy, and cooperation between the city and citizens who come forward with money to assist in the betterment of their communities.

The motion was **amended to include that the city contribution will not exceed 50 per cent up to \$5,000.00 of the cost for the reconnaissance study.** The motion was approved by the following roll call votes:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr
NOES: Cook
ABSENT: None

(City Council) Directed City Attorney to Research State Law to Determine Which Boards, Commissions and Staff Members are Required to Complete Form 700 - Return to Council with a Resolution Deleting the Boards and Commissions Not Included in State Law – Identify City Municipal Code or Policies Relative to Filing Requirements (120.90)

Communication from Councilmember Don Hansen transmitting the following **Statement of Issue:** Our city has an incredible talent pool of citizens who are happy to contribute their time to our various boards and commissions. However, I believe that our requirement that members of these various boards and commissions complete a Form 700 is somewhat overreaching. Given that the majority of these boards serve as an advisory body, I do not believe the potential for a conflict of interest rises to a level to demand the scrutiny of a Form 700. I believe we should review our current policy regarding the Form 700 and our conformance with State Law. As such, I would like to make the following motion.

Councilmember Hansen reported.

A motion was made by Hansen, second Coerper to:

1. Direct the City Attorney to research state law to determine which boards, commissions, and staff members are required to complete the Form 700 and report those findings to the Council.

and

2. Advise the Council on which sections of our municipal code and/or other policies would need to be adjusted for the city's policies to equal state requirements.

Council received clarification from City Attorney McGrath regarding state law.

The above motion was **amended** to **request City Attorney to prepare a resolution deleting those Boards and Commissions not covered under state law and return to Council.**

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

NOES: None

ABSENT: None

(City Council) Councilmember Coerper Reported on American Legion Post 133 Regarding Possible Purchase of Defibrillator for Police Unit (120.85)

Councilmember Coerper informed Council that he approached American Legion Post 133 regarding a possible purchase of a defibrillator for a police unit. He asked the Police Chief to take into consideration the inclusion of defibrillators in the police units during the budget process.

(City Council) Councilmember Green Announced that on July 28th KTLA Channel 5 is Broadcasting Live from our Pier (120.85)

Councilmember Green announced an email she received informing residents that KTLA Channel 5 will be doing a live broadcast on July 28th from our Pier. She encouraged residents to be there between 6 a.m. and 7 a.m. that day. The television broadcast will be shown between 7 a.m. and 9 a.m. later that day.

(City Council) Mayor Hardy Congratulated Austin Fullmer who Achieved Rank of Eagle Scout (120.85)

Mayor Hardy congratulated Austin Fullmer for achieving the rank of Eagle Scout. She and Councilmember Coerper attended the presentation.

Council/Agency Adjournment to *Tuesday, July 5, 2005, at 4:00 p.m.*, due to the Fourth of July Holiday, in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Tuesday, July 5, 2005, at 4:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman